

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ASHTON A. SMITH,

Plaintiff,

v.

S. RYKSE, et al.,

Defendants.

Case No. 1:23-cv-759

Hon. Hala Y. Jarbou

ORDER

On June 21, 2024, Magistrate Judge Phillip J. Green issued a Report and Recommendation (R&R) recommending that the Court deny Defendants' motions for summary judgment (ECF No. 45). The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so has expired. On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS ORDERED that the R&R (ECF No. 45) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants Rykse, Rinckey, and Ybarra's Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 22) is **DENIED**.

IT IS FURTHER ORDERED that Defendant Massie's Concurrence in Co-Defendants' Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 28) is **DENIED**.

Dated: July 19, 2024

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE